



## What Can You Do On Your Land? Frequently Asked Questions

The information in this publication is intended for informational purposes and while all effort has been made to present current summary facts, the reader should contact the appropriate entity for details and up-to-date information. In no circumstance should the reader use the information contained here as a substitute for the appropriate legal advice.

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The Clark County Unified Development Code contains much of the information in this fact-sheet. (See <http://www.clark.wa.gov/commdev/development/developcode.html>.)

Small acreage landowners often find it difficult to navigate the maze of Clark County and state codes pertaining to land use. Many elements of these codes are required by state and/or federal laws. These codes attempt to balance your rights with your neighbor's rights, while promoting a clean and healthy environment that maintains livable communities for all Clark County residents. County ordinance states that county codes "safeguard public health, safety, and general welfare of the citizens of Clark County."

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### I'd like to build a barn. Do I need a permit?

No permit is necessary if the structure you plan to build is 100% for agricultural use. This means that you cannot use the building to park your RV, but you can use it to park a tractor and store agricultural implements. Of course, housing livestock and/or related supplies (feed, hay, etc.) is fine, too. However, this building could not be used for processing or packaging agricultural products (no cooking up your favorite salsa recipe) or be open to the public (e.g., farm produce stand). Additionally, no one may live in the structure. Even when a permit is not required, you will still need to follow the current county Uniform Building Code and meet setback requirements.



However, if you plan to plumb water or wire the place for electricity, you will still need a permit even if you do the work yourself (see below).

### What projects need a building permit?

Other than the agricultural building above, most construction projects require permits. Any work on a building's structural components, plumbing, and mechanical work requires a permit regardless of the dollar value of the work. This includes re-roofing, re-siding, retaining walls over four feet high, fences over six feet high, or building a deck. Projects valued at \$1500 or more (including labor and materials) need a building permit. All commercial projects, regardless of value, require a permit.

**Plumbing** permits are also required in most cases and are obtained through the Clark County Customer Service Permit Center.

For information on construction and plumbing work, contact the Customer Service Permit Center at 1300 Franklin Street, Vancouver, WA or call 360-397-2375 extension 5019. Assistance is also available at the Battle Ground office at 701 East Main. Contact Susan Davidson at 360-687-7126, extension 211.

**Electrical work** can be done either by an electrical contractor or the homeowner. Permits must first be acquired from the Department of Labor and Industries 360-896-2300, located at 312 SE Stonemill Drive Suite 120, Vancouver, 98684-3508. Completed electrical work must be inspected by an L&I licensed inspector. To determine the fee for the permit, look at <http://www.lni.wa.gov/tradeslicensing/electrical/files/feetrainnotes063004.pdf>.

### I want to build a tool shed, but a neighbor told me I need a permit to build it. Is that true?

Codes require a permit for sheds (or other accessory buildings) over 120 twenty square feet (10x12) in area or eighteen feet or more in height. Even when your project does not require a permit, these buildings must conform to the current county Uniform Building Code (found in public libraries), meet setback requirements, be separated by eight feet from any other building on the property, and meet other environmental requirements. As of July 1, 2004, Clark County began using the International Code Council (ICC) standards. Copies can be found in public libraries.



The permit center provides sample plans for commonly built private and commercial buildings. You can also talk to a plans examiner at the permit center who will answer your specific questions. In some cases, you may need to hire a professional engineer to ensure that your building project complies with the current standards.

For information on requirements, contact the Customer Service Permit Center (1300 Franklin Street, Vancouver, WA) at 360-397-2375, extension 5019. You will need to leave a message for a customer service



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representative who will return your call by the next business day. Assistance is also available at the Battle Ground office at 701 East Main. Contact 360-687-7126, extension 211.

### What are the setback requirements?

Setback requirements vary by how your property is zoned and what type of structure you are building. Based on information found at on the Clark County website at <http://www.clark.wa.gov/longrangeplan/documents/coderewrite/40-210.pdf>, the table below summarizes setback requirements for most rural zoning classifications.

Zoning Designation	Building Type	Minimum Setbacks (feet)				Max. Building Height (feet)
		Front	Street	Side Interior	Rear	
FR-80, FR-40, AG-20	Res	50 *	25	50	50	35
	Non-Res	50 *	25	50	50	
R-5, R-10, R-20	Res	50	25	20	20, (50 +)	35
	Ag	50	25	50	20, (50 +)	35
RC-2.5, RC-1	Res	25	25	10	10 (50 +)	35
	Ag	25	25	50	50	35
UR10, UR-20	Res		20	20	20 (50 +)	35
	Ag		50	50	50	50

Ag = agricultural structure; Res = Residential structure; Non-Res

\* = From public road right-of-way or private road easement

+ = Fifty feet when abutting property zoned for natural resource or surface mining use

The site <http://www.clark.wa.gov/longrangeplan/documents/coderewrite/40-220.pdf> lists requirements for Urban residential zoning.

### Do I need a permit to clear vegetation from my property? What about next to my creek?

In most cases, mowing, cutting, and legal herbicides can be used to maintain your property and keep brush and other vegetation in check.

If you plan to use heavy equipment to clear brush or if you plan to clear brush within 200 feet of your creek or wetland, a Habitat Permit review may be required, except when clearing nuisance vegetation like blackberry, Scotch Broom, and Tansy Ragwort. Clearing these are exempt from the Habitat Permit review if you use hand tools and do not disturb the soil or other vegetation. Disturbing soils near streams can lead to erosion that harms aquatic life in the stream.

Before you start clearing in these areas, call Clark County Community Development at 360-397-2375, or the Battle Ground office at 360-687-7126, extension 211 for the appropriate methods to use. They can also direct you to any other agencies that you may need to work with.



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A Habitat Permit review is required for proposed clearing in riparian or priority habitat areas. Begin by calling Clark County Community Development at 360-397-2375, extension 4489, or the Battle Ground office at 701 East Main, at 360-687-7126, extension 211.

On more projects involving multiple permits and agencies, completing a joint aquatic resource permit application (JARPA) can streamline the permitting process since several permitting agencies accept this single application form. The time frame for permits varies greatly depending on the work and the sensitivity of the area, but can take up to seven weeks for the process.

### **Can I cut down a tree or use a tree for firewood on my property?**

Interested in providing habitat? Leave that snag! As long as the snag does not present a danger to buildings or people, they supply important nesting sites for birds. The decaying wood also returns organic matter to your woodland soil.

Removing trees for firewood for your own personal use does not usually require a permit. You can also remove a hazard tree without a permit if it is within one and a half tree lengths from an existing building.

You will need to obtain a Forest Practices permit from the Department of Natural Resources (360-577-2025) when:

- Removing over 5,000 board feet (equivalent to a full load on a logging truck);
- Removing timber commercially;
- Selling firewood.

Any activity in streams, wetlands, rivers, and on unstable slopes also requires a habitat permit from Clark County Community Development at 360-397-2375, extension 4489, or 360-687-7126, extension 211 at the Battle Ground office.

### **Can you explain the notice I received from the Weed Board?**

The notice most likely tells you that your property harbors weeds considered noxious by the state. State law declares that landowners are responsible for controlling the spread of noxious weeds.

The notice includes color photos of the noxious weed(s) and instructions on what to do next. You will need to contact Weed Management and tell them what you intend to do to control the weed(s). Advice and recommendations for controlling weeds are available from either Weed Management or from licensed applicators. Your notice includes a list of mowing and licensed herbicide applicators.

Weed Management staff follow-up within twelve days to see that you have taken steps to control the weed. If you have not taken measures to control the noxious weed, you will receive a violation notice by certified mail. You have ten days from receipt of the violation notice to stop seed propagation. Weed Management tries to work with landowners, but for those few who will not work to control their noxious weeds, failure to heed the violation notice can result in an "infraction" (a misdemeanor) and Weed Management obtaining a warrant to enter your property and to have a contractor control the weeds at the landowner's expense.

A landowner can contest this action and ask for a hearing, but remains responsible for court costs, the contractor's fee, and a possible fine (minimum \$250 per weed species, per day, up to a maximum of \$1,500 per weed species, per day).

A list of noxious weeds can be obtained through the Weed Management. Controlling weeds is important since weeds often compete with crops, poison people and livestock, and create fire hazards. Weeds also





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threaten wetlands, rivers, and lakes and other native plant communities. For information, contact Clark County Weed Management at 360-397-6140.

### **Can I outlet rainwater from the roof of my house, barn, or outbuilding directly to the ditch along the county road by my property?**

You can divert this runoff to the ditch along the county road as long as it is just clean water. However, if the rainwater becomes contaminated or muddy, you cannot route it to the ditch. Contamination may come from animal manure, vehicle oils, chemicals (herbicides, pesticides), or other sources. Once these contaminants enter a ditch, they flow downhill until they enter into a creek. Contaminants can affect not only the health of aquatic life, but also that of humans when they recreate.

In general, infiltrating the rainwater on site presents the best solution. This recharges ground water, reduces erosion, and helps maintain a healthy watershed. For structures such as a house, one alternative would be a rain garden, a shallow depression planted with native flowers, shrubs or grasses that collects rainwater from gutters and allows it to soak back into the ground. Larger structures, such as barns, would need more than one rain garden. For more information on rain gardens, contact the WSU Extension Watershed Stewards program at 360-397-6060, extension 7703.

Constructing drywells or diverting rainwater to other vegetated areas offers other possible solutions.

### **Can I deepen or work in an existing ditch on private property that may have silted in over the years?**

Every property is different and needs to be evaluated separately. If you want to deepen a ditch, the best advice is to contact Clark County's Land Use Infoline at 360-397-2375 extension 4489. It is necessary to be careful when digging to avoid stirring up sediments or contaminants that might be transported to streams or other waterbodies since these can damage aquatic life and sometimes degrade the stream habitat as well.

Many older ditches were dug years ago to drain wetlands. Work in these ditches may require a Wetland or Habitat permit from Clark County. Some projects might require a Hydrological Project Approval (HPA) permit from Washington State Department of Fish and Wildlife (306-696-6211), especially if the ditch flows into a fish bearing stream. To avoid disturbance (sediment and other contamination) to nearby creeks, any grading should be done during the drier summer months.

You can visit the Clark County Public Service Center Permit Center at 1300 W. Franklin in Vancouver or the Battle Ground office at 701 East Main, to speak with someone in person about your project. Doing this ensures that you are doing everything necessary before beginning any work.

### **I've heard that farmers don't need to get any permits. Is that true?**

No, but some agricultural activities are exempt from permit requirements. Generally, activities considered "normal farming practices" are exempt. For example, farmers can generally maintain and repair existing agricultural facilities such as agricultural buildings, animal waste management structures, roads (they may not change culvert sizes or the embankment), and ponds (they may not enlarge a pond).





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Agricultural operations may clear vegetation, stumps and undergrowth without a permit unless clearing is within 200 feet of a stream or wetland. This may require a habitat or wetland permit. These operations may also use soil amendments such as fertilizer, compost and animal waste. However, these should not be applied where they are likely to be washed into streams or other waterbodies due to the harmful effects this might have on the stream or its aquatic life.

When in doubt, an ad hoc committee from the USDA Natural Resource Conservation Service (360-883-1987, extension 3), the Clark Conservation District, and WSU Extension make recommendations to Clark County on what constitutes normal farming practices.

Farming activities that require importation or excavation of over 50 cubic yards of fill material (exclusive of soil amendments) are **not** exempt. This might include constructing an agricultural building pad, new drainage ditches, ponds, roads, or bridges.

### **What kind of activities will trigger the need for a grading permit?**

The total amount of material imported and/or excavated triggers grading permits, not the specific activity. When moving 50 cubic yards or more of material, a grading permit is required. Since this is not a large amount of material, most grading activities will need permits. (Consider that a 20' x 20' x 3 1/3' deep hole produces 50 cubic yards.)

*What is a "yard" or "cubic yard" of material?* Calculate the length times the width times the depth of the area (measured in feet) to be excavated or moved, and divide the result (cubic feet) by 27. This provides the number of cubic yards of material. For example, a mound 30 feet long, 12 feet wide and 2 feet tall, equals 26.7 cubic yards.

*Grader Beware!* Grading and inspection fees double if you grade without a permit, even if you were unaware you needed a grading permit.

For information, contact, Clark County Community Development, 360-397-2375, extension 4347.

### **If I want to build a pond on my property, what do I need to know before I build one? What if I just like the sound of running water, can I build a water feature?**

This is a complex question so we have written a separate factsheet to help you out. Start by reading *No Easy Task: Building A Pond* so you know what agencies you might need to talk to.

### **Can I raise trout? How about other fish species?**

Stocking a pond with fish requires a permit from the Washington State Department of Fish and Wildlife (WDFW) to assure that stocked fish do not escape into streams and other water bodies. Stocked fish that escape can replace native fish species by competing for habitat and food, introducing diseases, and predation.

Fish suitable for Washington include rainbow trout, largemouth bass, bluegill, sunfish, and channel catfish. You can contact the WDFW for a list of certified disease-free fish growers.

*Getting the permit.* Along with a \$24 fee, submit the permit application (<http://www.wdfw.wa.gov/fish/fishtran.pdf>) to the SW Regional WDFW office at 2108 Grand Boulevard in Vancouver. WDFW will arrange for a fish biologist to inspect your site's water quality, source, inlet and outlet structures, and other param-



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eters, in addition to your proposed source of fish. Stocking permits may take 30 days to process. If other permits are required, it could take longer.

For more information, see the WDFW site at <http://www.wdfw.wa.gov/fish/trnsport.htm> or call 306-696-6211.

### **Can I draw water from the small stream that flows on my property?**

The short answer is no. Stream water belongs to the public and altering flows requires a “water right.” A water right grants individuals or groups the use of a certain amount of water, but not ownership. Legally, a water right “is a legal authorization to use a predefined quantity of public water for a designated, beneficial purpose.”

Water rights law involves a very complex set of rules throughout the western U.S. For more information, contact the Department of Ecology at Washington State Department of Ecology, Southwest Region 360-407-6300 or view their web site on water rights at <http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>.

### **If I cannot use surface waters, what about using my well water?**

Landowners do not need a water right to use well water if consumption is less than 5000 gallons per day when the water is used for single or group domestic purposes, stock watering, industrial purposes, or lawns and non-commercial gardens of a half acre or less. Amounts over 5000 gallons require a water right.

Considering that an average household uses 300 gallons of water per day, a 5,000 gallon limit does not impact most landowners.

This information can be found on the Department of Ecology’s web site at <http://www.ecy.wa.gov/programs/wr/rights/water-right-home.html>.

### **What is an easement and how does it affect the use of my property?**

An easement allows another person or entity to use a part of your property for a specified purpose, even though you own the land. Your property title or deed should state any easements recorded on your property. If you cannot find this, your title company will usually provide a copy of the paperwork to you at little or no charge. The Clark County Auditor’s office (360-397-2391) can also provide a copy for a fee.

**Not all easements are created equal.** The county road easements allow the county to build or expand a road without obtaining your approval. Power line easements usually allow utility company access and restrict the height of vegetation growing under the lines. It is not uncommon for “landlocked” properties to have easements on a property to allow access to a nearby road. In this latter case, you would not be able to build or otherwise limit vehicle access to the landlocked property.

Buying property? Make sure that you understand and are comfortable with any restrictions or easements placed on the use of your property before you sign. The bottom line is, if an easement shows on the title search, ask your realtor and be sure you understand what it means before you sign.

### **What general advice would be good when looking at doing projects on my acreage?**

Always ask questions. Ask until you understand exactly what permits are required, from which agency, and in what sequence before starting on a project. While permits can get complicated and restrictive at times, remember that codes are in place to protect you, your property, your neighbors and their property, and the environment.





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### Permits & Permitting Agencies – A Short Guide

**Archaeological Predetermination** - (Clark County Community Development)

Determines whether cultural resources exist on a site without the cost or time expenditure of a full Archaeological Survey.

**Dam Safety Construction Permit** – (Department of Ecology)

Required before constructing, modifying, or repairing any dam or controlling works for storage of 10 or more acre-feet (3.25 million gallons) of water.

**Electrical Permit** – (Department of Labor and Industries, Electrical Division)

Provides for inspection by an L&I licensed inspector when work is complete.

**Fish stocking permit** – (Washington State Department of Fish and Wildlife)

Grants permission to place certain fish species in a privately owned pond.

**Forest Practices permit** – (Department of Natural Resources)

Relates to forest practices defined as any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber.

**Grading permit** – (Clark County Community Development)

Grants permission to import or excavate 50 or more yards of earth material to or from a specific location.

**Hydraulic Project Approval (HPA)** – (Washington State Department of Fish & Wildlife)

Required for work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or fresh waters of the state.

**Habitat Conservation Ordinance** - (Clark County Community Development)

Intended to protect fish and wildlife habitat. It also assures that you can build a single family home on an existing legal lot with appropriate habitat mitigation measures.

**Habitat Permit** – (Clark County Community Development)

Permit for clearing or land use activities within a Habitat Conservation Area.

**Joint Aquatic Resource Permit Application (JARPA)** – (Clark County Community Development)

A JARPA streamlines the process when several agencies need to issue permits for a single project.

**Plumbing permit** – (Clark County Community Development)

Required for all new or replacement plumbing fixtures and fittings. The permit provides for inspection by a licensed inspector when work is complete.

**State Environmental Policy Act review (SEPA)** - (Clark County Community Development)

Provides a way to identify the possible significant adverse environmental impacts that may be associated with an activity.

**Water rights** – (Department of Ecology)

Legal authorization to use a predefined quantity of public water for a designated, beneficial purpose.

**Wetland Permit** – (Clark County Community Development)

Required for grading, sub-division, or short plat projects within a wetland. All wetland permits require approval of an enhancement/mitigation plan.





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### Agency Contact Information

Clark Conservation District  
11104 NE 149<sup>th</sup> Street C 400  
Brush Prairie WA 98606  
360-883-1987 extension 110  
<http://clark.scc.wa.gov/>

Clark County Community Development  
1300 Franklin Street  
Vancouver, WA 98660  
Mailing address: P.O. Box 9810  
Vancouver, WA 98666-9810  
360-397-2375 FAX: 360-397-2011  
Battle Ground office  
701 East Main  
Battle Ground WA 98604  
360-687-7126 extension 211  
<http://www.clark.wa.gov/commdev/index.html>

Department of Ecology, Southwest Region  
360-407-6300 FAX 360-407-6305  
Water Resources Program DOE  
360-407-6600  
FAX 360-407-7162  
<http://www.ecy.wa.gov/>

Washington State Department of Fish and Wildlife,  
Region 5  
5404 NE Hazel Dell Ave.  
Vancouver, WA 98663-1299  
306-696-6211 FAX 360-690-7238  
<http://wdfw.wa.gov/reg/region5.htm>

Washington State Department of Labor and Industries  
<http://www.lni.wa.gov/>  
312 SE Stonemill Drive Suite 120  
Vancouver, 98684-3508  
360-896-2300

Washington State Department of Natural Resources  
Headquarters 360-902-1100  
Southwest Region 360-577-2025  
<http://www.dnr.wa.gov/>

U.S. Army Corps of Engineers  
Seattle District, Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-2255  
206-764-3495  
FAX 206-764-6602  
<http://www.nws.usace.army.mil/>

USDA Natural Resource Conservation Service  
11104 NE 149<sup>th</sup> Street C 400  
Brush Prairie WA 98606  
360-883-1987 extension 3  
<http://www.wa.nrcs.usda.gov/>

Washington State University Extension Clark County  
11104 NE 149<sup>th</sup> Street C 100  
Brush Prairie WA 98606  
360-397-6060  
FAX 360-397-6122  
<http://clark.wsu.edu/>

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